TIMOTHY J. BERGÈRE

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Armstrong Teasdale

Timothy Bergère has more than 35 years of experience in the field of environmental law. His experience working in government lends to his depth of knowledge when it comes to guiding clients whose activities are governed by federal and state environmental programs.

Serving Fortune 500 clients across the country, Tim regularly manages and resolves environmental liability issues arising from former holdings and operations, including Superfund "tail" liability that sometimes follows historic operations. He has played a role in dozens of Superfund cases nationwide. His resolution of those matters often requires innovative and creative problem solving, including the strategic use of environmental insurance policies or qualified settlement funds to manage and transfer risk.

Tim has been involved in all aspects of environmental counseling, and has served as lead environmental counsel in numerous business, financial and real estate transactions. In addition, he has extensive experience defending environmental investigations undertaken by civil and criminal enforcement authorities and as such, works closely with the firm's White-Collar Criminal Defense attorneys.

In the instance of major casualty events, Tim is often involved in the underlying response, advising responsible parties and contractors in securing access to impacted areas, developing forensic evidence related to the cause of the casualty, identifying natural resource damages, evaluating plans for restoration, and pursuing contribution from responsible parties.

SERVICES AND INDUSTRIES

Environmental
Energy and Utilities
White-Collar Criminal Defense and Government Investigations
State Attorneys General

ADMISSIONS

Pennsylvania
U.S. District Court, Eastern District of Pennsylvania
U.S. District Court, Western District of Pennsylvania
U.S. District Court, Middle District of Pennsylvania
U.S. Court of Appeals, Third Circuit
U.S. Supreme Court

BACKGROUND

Prior to joining the firm, Tim was a partner at a mid-Atlantic law firm where he served as chair of the Environmental Practice Group. Before that, he served as counsel for the Pennsylvania Department of Environmental Protection, formerly known as the Department of Environmental Resources.

EDUCATION

- University of New Hampshire Franklin Pierce School of Law (J.D., 1983)
  - Energy and Environmental Law
- New England College (B.A., 1980)
  - Environmental Studies

- Political Science

PROFESSIONAL ACTIVITIES

- United States Law Firm Group (Environmental Law Committee, Chair)
- Pennsylvania Bar Association (Environmental, Mineral and Natural Resources Law Section, Former Chair and Section Delegate)
- Philadelphia Bar Association (Environmental Law Committee)

ACCOLADES

- Chambers USA: America's Leading Lawyers in Business, Environment (2003-present)
- The Best Lawyers in America®; Environmental Law, Energy Law (2013-present); Lawyer of the Year (2022)
- Pennsylvania Super Lawyers® (2004-2006, 2009-present)
- Who's Who Legal: Environment
- Martindale-Hubbell, AV Preeminent Rated

EXPERIENCE

Cross-Border Transactions for Holding Company and Primary Portfolio Company

Completed a series of four complex, multimillion-dollar transactions in the U.S. and U.K. on behalf of a holding company and its primary portfolio company. In addition to traditional M&A aspects, our team provided guidance on related real estate, environmental, employment, benefits, immigration and international factors. Two of the four transactions closed on the same day on two different continents.

Defense of Client in Contested Sentencing Proceeding

Successfully defended the president of an engineering consulting firm and his company in a contested sentencing proceeding in a criminal environmental case in the Middle District of Pennsylvania. The U.S. Environmental Protection Agency sought substantial jail time plus fines and restitution in a Clean Water Act prosecution. The Court accepted defense arguments and sentenced the client to time served with a three-year period of probation and no fine or restitution. The company received a five-year probationary term and a $10,000 fine, a fraction of the amount sought, and no restitution.

Judgment on Appeal Affirmed by U.S. Supreme Court

The U.S. Supreme Court affirmed a decision by the U.S. Court of Appeals for the Third Circuit in favor of the owners of a tanker vessel involved in a major oil spill in the Port of Philadelphia. In a 7-2 majority decision, the Supreme Court upheld a $143 million damage award (primarily oil spill cleanup costs) to the vessel owner interests against the defendant petroleum terminal. $88 million of the award was allocated to the United States, which had earlier reimbursed the vessel owner interests that amount under provisions of the Oil Pollution Act of 1990.

Secured $143 Million Judgment in Casualty Case Involving Oil Spill

Tried and secured a $143 million judgment in a vessel casualty case involving a major oil

spill in the Delaware River. The judgment was affirmed by the U.S. Court of Appeals for the Third Circuit; *certiorari* was granted and the case was argued before the U.S. Supreme Court in November 2019.

Representation of Major Manufacturer in Clear Air Act, Waste Management Matters

Representation of a major cement manufacturer in complex Clean Air Act and waste management matters (Title V, PC-MACT and NSR/PSD) and response to Section 114 information requests.

Representation of Quarry in Complex Permitting, Groundwater Matters

Represents quarry operations in permitting and groundwater withdrawal matters, including issues of complex sinkhole hydrology.

Representation of Public Water Suppliers in High-Profile Groundwater Contamination Cases

Represents public water suppliers in high-profile groundwater contamination cases involving so-called emerging contaminants (PFOS, PFOA and 1,4 dioxane), often associated with military air bases. Secured millions of dollars for water treatment systems on numerous public supply wells and for private water supply replacement.